

## Environmental Protection Agency

## § 1039.810

required to comply with all applicable emission standards. *See* § 1039.101(g).

*Variable-speed engine* means an engine that is not a constant-speed engine.

*Void* means to invalidate a certificate or an exemption *ab initio*. If we void a certificate, all the engines introduced into commerce under that engine family for that model year are considered noncompliant, and you are liable for each engine introduced into commerce under the certificate and may face civil or criminal penalties or both. This applies equally to all engines in the engine family, including engines introduced into commerce before we voided the certificate. If we void an exemption, all the engines introduced into commerce under that exemption are considered uncertified (or nonconforming), and you are liable for each engine introduced into commerce under the exemption and may face civil or criminal penalties or both. You may not introduce into commerce any additional engines using the voided exemption.

*Volatile liquid fuel* means any fuel other than diesel or biodiesel that is a liquid at atmospheric pressure and has a Reid Vapor Pressure higher than 2.0 pounds per square inch.

*We (us, our)* means the Administrator of the Environmental Protection Agency and any authorized representatives.

### § 1039.805 What symbols, acronyms, and abbreviations does this part use?

The following symbols, acronyms, and abbreviations apply to this part:

CFR Code of Federal Regulations.  
CO carbon monoxide.  
CO<sub>2</sub> carbon dioxide.  
EPA Environmental Protection Agency.  
FEL Family Emission Limit.  
g/kW-hr grams per kilowatt-hour.  
HC hydrocarbon.  
kW kilowatts.  
NIST National Institute of Standards and Technology.  
NMHC nonmethane hydrocarbons.  
NO<sub>x</sub> oxides of nitrogen (NO and NO<sub>2</sub>).  
NTE not-to-exceed  
PM particulate matter.  
rpm revolutions per minute.  
SAE Society of Automotive Engineers.  
SEA Selective enforcement audit.  
THC total hydrocarbon.  
THCE total hydrocarbon equivalent.  
TRU transportation refrigeration unit.

U.S.C. United States Code.

### § 1039.810 What materials does this part reference?

Documents listed in this section have been incorporated by reference into this part. The Director of the Federal Register approved the incorporation by reference as prescribed in 5 U.S.C. 552(a) and 1 CFR part 51. Anyone may inspect copies at the U.S. EPA, Air and Radiation Docket and Information Center, 1301 Constitution Ave., NW., Room B102, EPA West Building, Washington, DC 20460 or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: [http://www.archives.gov/federal\\_register/code\\_of\\_federal\\_regulations/ibr\\_locations.html](http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html).

(a) *NIST material*. Table 1 of this section lists material from the National Institute of Standards and Technology that we have incorporated by reference. The first column lists the number and name of the material. The second column lists the sections of this part where we reference it. Anyone may purchase copies of these materials from the Government Printing Office, Washington, DC 20402 or download them from the Internet at <http://physics.nist.gov/Pubs/SP811/>. Table 1 follows:

TABLE 1 OF § 1039.810.—NIST MATERIALS

Document number and name	Part 1039 reference
NIST Special Publication 811, Guide for the Use of the International System of Units (SI), 1995 Edition .....	1039.801

(b) *SAE material*. Table 2 of this section lists material from the Society of Automotive Engineering that we have incorporated by reference. The first column lists the number and name of the material. The second column lists the sections of this part where we reference it. Anyone may purchase copies of these materials from the Society of Automotive Engineers, 400 Commonwealth Drive, Warrendale, PA 15096. Table 2 follows:

## § 1039.815

## 40 CFR Ch. I (7–1–04 Edition)

TABLE 2 OF § 1039.810.—SAE MATERIALS

Document number and name	Part 1039 reference
SAE J1930, Electrical/Electronic Systems Diagnostic Terms, Definitions, Abbreviations, and Acronyms, revised May 1998 ...	1039.135

### § 1039.815 What provisions apply to confidential information?

(a) Clearly show what you consider confidential by marking, circling, bracketing, stamping, or some other method.

(b) We will store your confidential information as described in 40 CFR part 2. Also, we will disclose it only as specified in 40 CFR part 2. This applies both to any information you send us and to any information we collect from inspections, audits, or other site visits.

(c) If you send us a second copy without the confidential information, we will assume it contains nothing confidential whenever we need to release information from it.

(d) If you send us information without claiming it is confidential, we may make it available to the public without

further notice to you, as described in 40 CFR 2.204.

### § 1039.820 How do I request a hearing?

(a) You may request a hearing under certain circumstances, as described elsewhere in this part. To do this, you must file a written request, including a description of your objection and any supporting data, within 30 days after we make a decision.

(b) For a hearing you request under the provisions of this part, we will approve your request if we find that your request raises a substantial factual issue.

(c) If we agree to hold a hearing, we will use the procedures specified in 40 CFR part 1068, subpart G.

#### APPENDIX I TO PART 1039 [RESERVED]

#### APPENDIX II TO PART 1039—STEADY-STATE DUTY CYCLES FOR CONSTANT-SPEED ENGINES

(a) The following duty cycle applies for discrete-mode testing of constant-speed engines:

D2 mode number	Engine speed <sup>1</sup>	Torque (percent) <sup>2</sup>	Weighting factors
1 .....	Maximum test speed .....	100	0.05
2 .....	Maximum test speed .....	75	0.25
3 .....	Maximum test speed .....	50	0.30
4 .....	Maximum test speed .....	25	0.30
5 .....	Maximum test speed .....	10	0.10

<sup>1</sup> Maximum test speed is defined in 40 CFR part 1065.

<sup>2</sup> Except as noted in § 1039.505, the percent torque is relative to maximum test torque.

(b) The following duty cycle applies for ramped-modal testing of constant-speed engines:

RMC mode	Time in mode (seconds)	Engine speed	Torque (percent) <sup>1 2</sup>
1a Steady-state .....	53	Engine Governed .....	100.
1b Transition .....	20	Engine Governed .....	Linear transition.
2a Steady-state .....	101	Engine Governed .....	10.
2b Transition .....	20	Engine Governed .....	Linear transition.
3a Steady-state .....	277	Engine Governed .....	75.
3b Transition .....	20	Engine Governed .....	Linear transition.
4a Steady-state .....	339	Engine Governed .....	25.
4b Transition .....	20	Engine Governed .....	Linear transition.
5 Steady-state .....	350	Engine Governed .....	50.

<sup>1</sup> The percent torque is relative to maximum test torque.

<sup>2</sup> Advance from one mode to the next within a 20-second transition phase. During the transition phase, command a linear progression from the torque setting of the current mode to the torque setting of the next mode.